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Recommended requirements and conditions to protect existing water rights when new applications are considered for consumptive uses from ground water in the Bear River Ground Water Management Area

Acknowledgements, Qualifiers, Overview-

- Idaho Code 37.03.11- Rules for Conjunctive management of surface and ground water resources.
- Maintain consistency with Wyoming and Utah plans understanding that the Bear River Basin is within all three states.
- Recognize the Bear River Compact between the states.
- Recognize the operation of Bear Lake and Bear River for irrigation, flood control, power generation.
- Recognize current Idaho Statute – Title 42- no requirement for single domestic well approval.

Intro and Background- quote order from Director Dreher signed August 12, 2001.

- Include emphasis on the moratorium currently in place and the number of applications currently pending.

Mitigation Goals- quote item 3.a of the Conclusion of Law in the Order – same as in Mission Statement.
PROTECT EXISTING WATER RIGHTS WHEN NEW APPLICATIONS ARE CONSIDERED FOR CONSUMPTIVE USE FROM GROUND WATER.

Mitigation Standards-

- No injury to senior water right holders- first and foremost
- Little or no future depletion within the basin- requires formal depletion calculation standards
- Surface and Ground Water rights must be managed the same on a priority basis- essential in times of shortages when there is any threat of shutting users off based on the priority system

Recommendations-(possibilities)

- Follow traditional mitigation procedures-i.e. fallow land, transfer ground water right to DCMI (domestic, commercial, municipal, industrial) use. Allow surface water to flow to river or tributary and drill new well.
- Manipulate existing rights-i.e. relinquish spring rights for well or add POD's- (points of diversion)
- Allow use of irrigation company shares to be used-pursuant to irrig. company policy. This will require in most cases for irrig. companies to change, create, add new bylaws to allow this.
- Pay \$\$ not to grow crops (like CRP contracts) for a certain term. This would require a contract, filing of transfer, certain conditions, monitoring, etc.....
- Require mitigation for new depletion only- not diversion.-recognizing that amount of water diverted is not what is actually depleted. This would require again- formal depletion calculation standard.
- Cities should acquire water rights or shares from willing sellers or condemn for new supply. (also include this one in B)
- Require water master to manage (regulate diversion) both surface and ground water as one.- priority basis
- Emphasize the need for new storage construction- only way that the state can use their allotment of "new water" under the Compact.
- In the future- look in to the potential of mitigation banking- in the new storage reservoir or Bear Lake?

Process for existing ground water applications both pending and future-

- Follow process as outlined in IDAPA 37.03.11- Rule 43- mitigation plans
- Require a mitigation plan to be submitted along with or before the application is actually filed.

Review process- same as above- in Rule 43

Monitoring, Enforcement, Evaluation- would need to be done by the water master and division of water resources. Serious penalties and actual shutting off of water need to be enforced.

Conclusion- Many aspects of this are already covered in this Conjunctive Management rule- 37.03.11
The specifics for the Bear River Basin should be as outlined above- recommendations-possibilities.

*Well that
is most intrusive
may have
earliest
priority*

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Recommended Policies to encourage development and use of supply systems providing water to multiple ownership subdivisions rather than individual wells

Current statute- Title 42- allowing individual well drilling without approval.

Economic Development considerations- Talk about the growth in Bear Lake Co, Franklin Co, Caribou Co. discuss differences in the 3 as well as similarities.

Consider advise, involvement with the new Economic Development person (Richard Westerberg) recently appointed by these three counties to get involved in this process.

Recommendations-

- All cities and counties should be studying the potential growth, requirements for water (as well as all infrastructure) and start acquiring water rights or shares from willing sellers. Cities and counties have the authority to condemn if necessary.
- Cities and counties should enact new ordinances requiring developers to bring water rights approved for DCMi as a condition of their subdivision approval (part of impact requirements)
- Cities and counties should enact new ordinances to require new developments or individuals to connect to an existing multiple system if it is within certain number of feet or (miles?) from that system. This would require study of existing system.....i.e. impacts, size, capacity, etc.
- Cities should seriously consider individual meters as well as then reading the meters on a regular basis. Create a fee schedule that penalizes users who use more water than xxx number allowed under their rate structure. (In the past it has been common practice to lower the rate the more you use)
- Cities and counties should enact new conservation ordinances to better manage their existing supplies- i.e. penalties for watering outdoors during certain times of the day, etc.
- Consider changes to Title 42- require at least a well permit- some way to have individual wells on record.

Drilling permit required

Conclusion

Time has come for cities and counties to be more proactive in this process. Change and growth cannot happen without many of these things being implemented.

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Recommended requirements for measuring and reporting of water withdrawals-both new and existing uses- both surface and ground water sources

Current Statute

Current Conditions

Technology available

Feasibility

Alternatives

Conclusion

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**Recommendation for designating areas of drilling concern in order to protect ground water quantity
and quality**

Background

Current statute

Current Condition

Recommendation

Conclusion